

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

Michael Amick, *et al.*)
)
)
Plaintiffs,)
)
)
v.) 17-03391-CV-S-BP
)
)
Oregon County, Missouri, *et al.*)
)
)
Defendants.)

State Defendants' Motion to Dismiss Second Amended Complaint

Defendants Kass Brazeal and Michael Johnson, pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons more fully developed in the suggestions filed in support of this motion, move this Court to dismiss the claims against them because:

1. The claims brought under § 1983 in Counts I and II against these defendants in their individual capacities, are barred by qualified immunity or otherwise fail to state a claim upon which this Court may grant relief; and
2. The state law claims in counts IV, V, VI, VII, VIII, and IX, against these defendants are barred by official immunity and the public duty doctrine, or otherwise fail to state a claim upon which this Court may grant relief.

Accordingly, Defendants Kass Brazeal and Michael Johnson respectfully request that this Court enter an order, sustaining this motion and dismissing Plaintiff's claims with prejudice.

Respectfully submitted,

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Certificate of Service

I hereby certify that on November 15, 2018, I filed the foregoing electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Nicolas Taulbee
Assistant Attorney General